

Application No.: 10/047608

Docket No.: ALXN-P01-059

REMARKS

Claims 27-32 and 34 are pending. Applicants have amended claim 27, which amendment does not introduce any new matter.

Rejection Under 35 U.S.C. § 102(b)

Claims 27-32 and 34 stand rejected as being anticipated by Fitch et al., *Circulation* (1999) 100:2499-2506 in view of Gori et al., *Thromb. Haemost.* (1999) 81:589-593. The Office Action states that Fitch et al. teach the administration of a bolus of heparin to patients about to undergo cardiopulmonary bypass surgery and subsequent administration of h5G1.1-scFv to those patients, and that Gori et al. teach anti-inflammatory action by heparin.

The amendment to claim 27 clarifies that the anti-inflammatory agent administered in step b) is the same anti-inflammatory agent administered in step a). Claims 28-32 and 34 depend from claim 27 and therefore include the same limitation. In contrast, Fitch et al. do not teach or suggest the administration of a bolus of an anti-inflammatory agent to the subject patients therein and subsequent administration of the same anti-inflammatory agent to those patients. Furthermore, the bolus of heparin in Fitch et al. was administered as an anticoagulant (see the first full paragraph in the right-hand column on page 5200 which states, "Systemic heparin was administered before CPB. Once the activated clotting time was greater than 400 seconds ...") and therefore the Fitch et al. reference would not suggest the administration of a bolus of an anti-inflammatory agent as specifically listed in claims 29-32. It is therefore urged that amended claim 27 and its dependent claims 28-32 and 34 are patentable over Fitch et al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Application No.: 10/047608

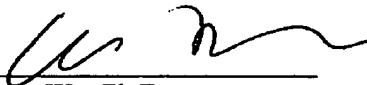
Docket No.: ALXN-P01-059

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Please charge any fees or credit any overpayments to our Deposit Account No. 18-1945 from which the undersigned is authorized to draw, under order no. ALXN-P01-059.

Dated: February 23, 2006

Respectfully submitted,

By 

Xuqiong Wu, Ph.D.

Registration No.: 55,745
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant